

Application Serial No. 10/660,492
Amendment dated June 1, 2004
Reply to Office action of March 1, 2004

REMARKS

Claims 1 through 16 are pending in this application. Claims 1, 2, 7, 8, and 11 through 15 are amended herein. Support for the amendments to the claims may be found in the specification and claims as originally filed and in Figs. 4, 5, and 6. Single, non-cascaded reflectors, for example, appear in Figs. 4, 5, and 6. Rays of electromagnetic radiation being directed substantially proximate to a first focal point of a reflector are described with respect to the operation of the retro-reflector at paragraph [0044]. Reconsideration is requested based on the foregoing amendment and the following remarks.

Objections to the Claims:

Claim 15 was objected to for not ending with a period. Claim 15 was amended to end with a period. Withdrawal of the objection is earnestly solicited.

Information Disclosure Statement:

The Office action asserts that the IDS filed September 12, 2003 fails to comply with the provisions of 37 C.F.R. § 1.97, 37 C.F.R. § 1.98 and M.P.E.P. § 609. The IDS filed September 12, 2003 was filed before the mailing of the first Office action on the merits in the present application, and is thus submitted to meet the requirements of 37 C.F.R. § 1.97(b)(3). Furthermore, the IDS filed September 12, 2003 identified properly parent application serial number 09/669,841 upon which the present application relies for an earlier effective filing date under 35 U.S.C. § 120, as required by 37 C.F.R. § 1.98(d)(1). Furthermore, the IDS filed in the earlier application complied with the requirements of 37 C.F.R. § 1.98(a) through (c), as required by 37 C.F.R. § 1.98(d)(2). The IDS filed September 12, 2003 is thus submitted to meet the provisions of 37 C.F.R. § 1.98. Finally, M.P.E.P. § 609(I)(A)(2) provides that "The examiner will consider information which has been considered by the Office in a parent application when examining (A) a continuation application filed under 37 C.F.R. § 1.53(b)." The Applicant thus requests respectfully that the information to which the IDS filed September 12, 2003 referred be considered on the merits.

Claim Rejections - 35 U.S.C. § 102:

Claims 1, 2, 3, 5, 7, 8, 9 and 11 through 16 were rejected under 35 U.S.C. § 102(b) as anticipated by Li, US 5,707,131. The rejection is traversed to the extent it would apply to the claims as amended.

Claim 1 recites, in pertinent part:

"A single, non-cascaded first reflector" and "a single, non-cascaded second reflector."

Li ' 131 neither teaches, discloses, nor suggests single, non-cascaded first and second reflectors, as recited in claim 1. Li '131, rather, discloses an electromagnetic radiation collecting and condensing optical system having a number of *cascaded* concave reflectors and a number of cascaded electromagnetic radiation sources which radiate light energy onto the concave reflectors in such a manner that the energy from each source is combined by the reflectors into a single output which is used to illuminate a target, as described at column 2, lines 2 through 7. As mentioned above, however, independent claim 1 recites an optical system utilizing a single non-cascaded first reflector and a single non-cascaded second reflector. Since the '131 patent is focused exclusively on providing a solution for using multiple, cascaded reflectors and does not teach or suggest collecting and condensing electromagnetic radiation using single, non-cascaded first and second reflectors, claim 1 is submitted to be allowable. Withdrawal of the rejection of claim 1 is earnestly solicited.

Claims 2, 3, 5, 7, 8, 9 and 11 depend from claim 1 and add further distinguishing elements. Claims 2, 3, 5, 7, 8, 9 and 11 are thus also submitted to be allowable. Withdrawal of the rejection of claims 2, 3, 5, 7, 8, 9 and 11 is also earnestly solicited.

Claim 12 recites, in pertinent part:

"A single, non-cascaded first reflector" and "a single, non-cascaded second reflector."

Li ' 131 neither teaches, discloses, nor suggests single, non-cascaded first and second reflectors, as discussed above with respect to claim 1. Claim 12 is submitted to be allowable as well. Withdrawal of the rejection of claim 12 is earnestly solicited.

Claims 13 and 14 depend from claim 12 and add further distinguishing elements. Claims 13 and 14 are thus also submitted to be allowable. Withdrawal of the rejection of claims 13 and 14 is also earnestly solicited.

Claim 15 recites, in pertinent part:

"A single, non-cascaded first reflector" and "a single, non-cascaded second reflector."

Li ' 131 neither teaches, discloses, nor suggests single, non-cascaded first and second reflectors, as discussed above with respect to claim 1. Claim 15 is submitted to be allowable as well. Withdrawal of the rejection of claim 15 is earnestly solicited.

Application Serial No. 10/660,492
Amendment dated June 1, 2004
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Claim 16 depends from claim 15 and adds further distinguishing elements. Claim 16 is thus also submitted to be allowable. Withdrawal of the rejection of claim 16 is also earnestly solicited.

Claim Rejections - 35 U.S.C. § 103:

Claims 4, 6, and 10 were rejected under 35 U.S.C. § 103 as being unpatentable over Li '131. The rejection is traversed. Reconsideration is earnestly solicited.

Claims 4, 6, and 10 depend from claim 1 and add further distinguishing elements. Li '131 neither teaches, discloses, nor suggests single, non-cascaded first and second reflectors, as discussed above with respect to claim 1. In this regard, Applicant notes that no art has been cited in support of statements made in the Office Action to the effect that the features of claims 4, 6, and 10 are well-known. Furthermore, the motivation provided in the Office Action for the prior art to include such features appears merely to be hindsight reconstruction of the invention. Claims 4, 6, and 10 are thus also submitted to be allowable. Withdrawal of the rejection of claims 4, 6, and 10 is earnestly solicited.

Claim Rejections - Double Patenting:

Claims 1 through 16 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of Li, US 6,634,759. The rejection is traversed. Reconsideration is earnestly solicited.

Claims 1, 2, 7, 8, and 11 through 15 have been amended as discussed above. Claims 1 through 16 are submitted to be of different scope than the claims of Li '759. The independent claims of Li '759, for example, recite a source of electromagnetic radiation, while the independent claims of the present application do not.

Furthermore, M.P.E.P. § 804(B)(1) requires a Graham-type 35 U.S.C. § 103(a) analysis of claims 1 through 16 of the present application relative to the claims of Li '759 before a conclusion of double-patenting is reached. The Applicant requests respectfully that the analysis be performed. Otherwise, claims 1 through 16 are submitted to be allowable. Withdrawal of the rejection of claims 1 through 16 is earnestly solicited.

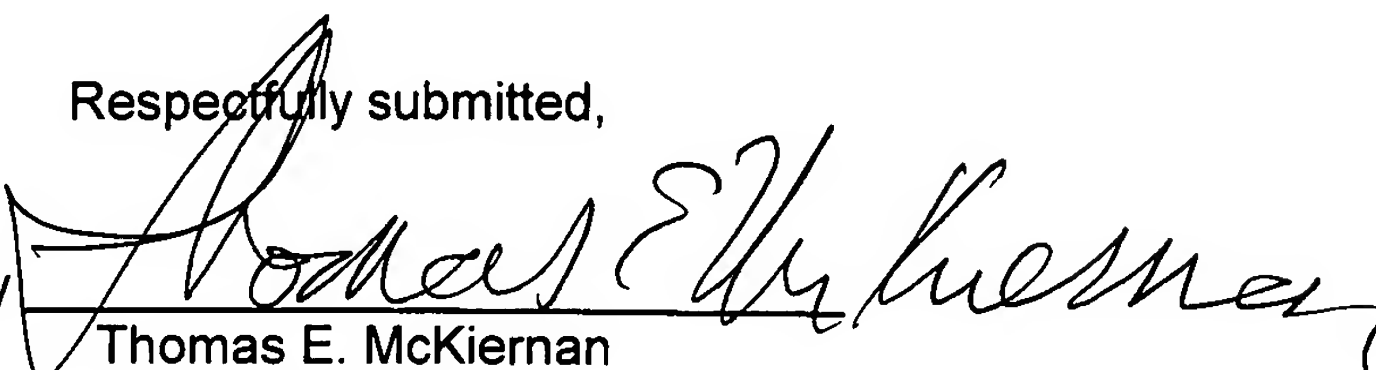
Conclusion:

Accordingly, in view of the reasons given above, it is submitted that all claims 1 through 16 are allowable over the cited references. Since the objection to the claims was addressed, it

Application Serial No. 10/660,492
Amendment dated June 1, 2004
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is submitted that all of claims 1 through 16 are now allowable. Allowance of all claims 1 through 16 and of this entire application are therefore respectfully requested.

Respectfully submitted,

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